

# House File 2537

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1 3 AN ACT  
1 4 ADDRESSING REDESIGN OF THE SYSTEM FOR SERVICES AND OTHER  
1 5 SUPPORT PROVIDED FOR PERSONS WITH MENTAL ILLNESS, MENTAL  
1 6 RETARDATION OR OTHER DEVELOPMENTAL DISABILITIES, OR BRAIN  
1 7 INJURY.  
1 8  
1 9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
1 10  
1 11 DIVISION I  
1 12 COMMISSION == SINGLE ENTRY POINT PROCESS NAME CHANGES  
1 13 Section 1. Section 135C.23, subsection 2, unnumbered  
1 14 paragraph 2, Code 2003, is amended to read as follows:  
1 15 This section does not prohibit the admission of a patient  
1 16 with a history of dangerous or disturbing behavior to an  
1 17 intermediate care facility for persons with mental illness,  
1 18 intermediate care facility for persons with mental  
1 19 retardation, nursing facility, or county care facility when  
1 20 the intermediate care facility for persons with mental  
1 21 illness, intermediate care facility for persons with mental  
1 22 retardation, nursing facility, or county care facility has a  
1 23 program which has received prior approval from the department  
1 24 to properly care for and manage the patient. An intermediate  
1 25 care facility for persons with mental illness, intermediate  
1 26 care facility for persons with mental retardation, nursing  
1 27 facility, or county care facility is required to transfer or  
1 28 discharge a resident with dangerous or disturbing behavior  
1 29 when the intermediate care facility for persons with mental  
1 30 illness, intermediate care facility for persons with mental  
1 31 retardation, nursing facility, or county care facility cannot  
1 32 control the resident's dangerous or disturbing behavior. The  
1 33 department, in coordination with the state mental health and,  
1 34 mental retardation, developmental disabilities, and brain  
1 35 injury commission created in section 225C.5, shall adopt rules  
2 1 pursuant to chapter 17A for programs to be required in  
2 2 intermediate care facilities for persons with mental illness,  
2 3 intermediate care facilities for persons with mental  
2 4 retardation, nursing facilities, and county care facilities  
2 5 that admit patients or have residents with histories of  
2 6 dangerous or disturbing behavior.  
2 7 Sec. 2. Section 154D.2, subsection 1, paragraph b, Code  
2 8 2003, is amended to read as follows:  
2 9 b. Has at least two years of supervised clinical  
2 10 experience or its equivalent as approved by the board in  
2 11 consultation with the mental health and, mental retardation,  
2 12 developmental disabilities, and brain injury commission  
2 13 created in section 225C.5.  
2 14 Sec. 3. Section 154D.2, subsection 2, paragraph b, Code  
2 15 2003, is amended to read as follows:  
2 16 b. Has at least two years of clinical experience,  
2 17 supervised by a licensee, in assessing mental health needs and  
2 18 problems and in providing appropriate mental health services  
2 19 as approved by the board of behavioral science examiners in  
2 20 consultation with the mental health and, mental retardation,  
2 21 developmental disabilities, and brain injury commission  
2 22 created in section 225C.5.  
2 23 Sec. 4. Section 225C.2, subsection 2, Code 2003, is  
2 24 amended to read as follows:  
2 25 2. "Commission" means the mental health and, mental  
2 26 retardation, developmental disabilities, and brain injury  
2 27 commission.  
2 28 Sec. 5. Section 225C.5, subsection 1, unnumbered paragraph  
2 29 1, Code Supplement 2003, is amended to read as follows:  
2 30 A mental health and, mental retardation, developmental  
2 31 disabilities, and brain injury commission is created as the  
2 32 state policy-making body for the provision of services to  
2 33 persons with mental illness, mental retardation or other  
2 34 developmental disabilities, or brain injury. The commission  
2 35 shall consist of sixteen voting members appointed to three=  
3 1 year staggered terms by the governor and subject to  
3 2 confirmation by the senate. Commission members shall be  
3 3 appointed on the basis of interest and experience in the  
3 4 fields of mental health, mental retardation or other  
3 5 developmental disabilities, and brain injury, in a manner so

3 6 as to ensure adequate representation from persons with  
3 7 disabilities and individuals knowledgeable concerning  
3 8 disability services. The department shall provide staff  
3 9 support to the commission, and the commission may utilize  
3 10 staff support and other assistance provided to the commission  
3 11 by other persons. The commission shall meet at least four  
3 12 times per year. Members of the commission shall include the  
3 13 following persons who, at the time of appointment to the  
3 14 commission, are active members of the indicated groups:

3 15 Sec. 6. Section 225C.7, subsection 3, Code 2003, is  
3 16 amended to read as follows:

3 17 3. If a county has not established or is not affiliated  
3 18 with a community mental health center under chapter 230A, the  
3 19 county shall expend a portion of the money received under this  
3 20 appropriation to contract with a community mental health  
3 21 center to provide mental health services to the county's  
3 22 residents. If such a contractual relationship is unworkable  
3 23 or undesirable, the ~~mental health and developmental~~  
3 24 ~~disabilities~~ commission may waive the expenditure requirement.  
3 25 However, if the commission waives the requirement, the  
3 26 commission shall address the specific concerns of the county  
3 27 and shall attempt to facilitate the provision of mental health  
3 28 services to the county's residents through an affiliation  
3 29 agreement or other means.

3 30 Sec. 7. Section 227.4, Code 2003, is amended to read as  
3 31 follows:

3 32 227.4 STANDARDS FOR CARE OF PERSONS WITH MENTAL ILLNESS OR  
3 33 ~~MENTAL RETARDATION~~ DEVELOPMENTAL DISABILITIES IN COUNTY CARE  
3 34 FACILITIES.

3 35 The administrator, in cooperation with the department of  
4 1 inspections and appeals, shall recommend, and the mental  
4 2 health ~~and, mental retardation,~~ developmental disabilities,  
4 3 ~~and brain injury~~ commission created in section 225C.5 shall  
4 4 adopt standards for the care of and services to persons with  
4 5 mental illness or ~~mental retardation~~ developmental  
4 6 ~~disabilities~~ residing in county care facilities. The  
4 7 standards shall be enforced by the department of inspections  
4 8 and appeals as a part of the licensure inspection conducted  
4 9 pursuant to chapter 135C. The objective of the standards is  
4 10 to ensure that persons with mental illness or ~~mental~~  
4 11 ~~retardation~~ developmental disabilities who are residents of  
4 12 county care facilities are not only adequately fed, clothed,  
4 13 and housed, but are also offered reasonable opportunities for  
4 14 productive work and recreational activities suited to their  
4 15 physical and mental abilities and offering both a constructive  
4 16 outlet for their energies and, if possible, therapeutic  
4 17 benefit. When recommending standards under this section, the  
4 18 administrator shall designate an advisory committee  
4 19 representing administrators of county care facilities, county  
4 20 mental health and developmental disabilities regional planning  
4 21 councils, and county care facility resident advocate  
4 22 committees to assist in the establishment of standards.

4 23 Sec. 8. Section 229.24, subsection 3, unnumbered paragraph  
4 24 1, Code 2003, is amended to read as follows:

4 25 If all or part of the costs associated with hospitalization  
4 26 of an individual under this chapter are chargeable to a county  
4 27 of legal settlement, the clerk of the district court shall  
4 28 provide to the county of legal settlement and to the county in  
4 29 which the hospitalization order is entered, in a form  
4 30 prescribed by the mental health ~~and, mental retardation,~~  
4 31 developmental disabilities, and brain injury commission, the  
4 32 following information pertaining to the individual which would  
4 33 be confidential under subsection 1:

4 34 Sec. 9. Section 230A.2, Code 2003, is amended to read as  
4 35 follows:

5 1 230A.2 SERVICES OFFERED.

5 2 A community mental health center established or operating  
5 3 as authorized by section 230A.1 may offer to residents of the  
5 4 county or counties it serves any or all of the mental health  
5 5 services defined by the mental health ~~and, mental retardation,~~  
5 6 developmental disabilities, and brain injury commission in the  
5 7 state mental health plan.

5 8 Sec. 10. Section 230A.16, unnumbered paragraph 1, Code  
5 9 2003, is amended to read as follows:

5 10 The administrator of the division of mental health and  
5 11 developmental disabilities of the department of human services  
5 12 shall recommend and the mental health ~~and, mental retardation,~~  
5 13 developmental disabilities, and brain injury commission shall  
5 14 adopt standards for community mental health centers and  
5 15 comprehensive community mental health programs, with the  
5 16 overall objective of ensuring that each center and each

5 17 affiliate providing services under contract with a center  
5 18 furnishes high quality mental health services within a  
5 19 framework of accountability to the community it serves. The  
5 20 standards shall be in substantial conformity with those of the  
5 21 psychiatric committee of the joint commission on accreditation  
5 22 of health care organizations and other recognized national  
5 23 standards for evaluation of psychiatric facilities unless in  
5 24 the judgment of the administrator of the division of mental  
5 25 health and developmental disabilities, with approval of the  
5 26 mental health ~~and, mental retardation,~~ developmental  
5 27 disabilities, ~~and brain injury~~ commission, there are sound  
5 28 reasons for departing from the standards. When recommending  
5 29 standards under this section, the administrator of the  
5 30 division shall designate an advisory committee representing  
5 31 boards of directors and professional staff of community mental  
5 32 health centers to assist in the formulation or revision of  
5 33 standards. At least a simple majority of the members of the  
5 34 advisory committee shall be lay representatives of community  
5 35 mental health center boards of directors. At least one member  
6 1 of the advisory committee shall be a member of a county board  
6 2 of supervisors. The standards recommended under this section  
6 3 shall include requirements that each community mental health  
6 4 center established or operating as authorized by section  
6 5 230A.1 shall:

6 6 Sec. 11. Section 230A.17, Code 2003, is amended to read as  
6 7 follows:

6 8 230A.17 REVIEW AND EVALUATION.

6 9 The administrator of the division of mental health and  
6 10 developmental disabilities of the department of human services  
6 11 may review and evaluate any community mental health center  
6 12 upon the recommendation of the mental health ~~and, mental~~  
6 13 ~~retardation,~~ developmental disabilities, ~~and brain injury~~  
6 14 commission, and shall do so upon the written request of the  
6 15 center's board of directors, its chief medical or  
6 16 administrative officer, or the board of supervisors of any  
6 17 county from which the center receives public funds. The cost  
6 18 of the review shall be paid by the division.

6 19 Sec. 12. Section 230A.18, Code 2003, is amended to read as  
6 20 follows:

6 21 230A.18 REPORT OF REVIEW AND EVALUATION.

6 22 Upon completion of a review made pursuant to section  
6 23 230A.17, the review shall be submitted to the board of  
6 24 directors and chief medical or administrative officer of the  
6 25 center. If the review concludes that the center fails to meet  
6 26 any of the standards established pursuant to section 230A.16,  
6 27 subsection 1, and that the response of the center to this  
6 28 finding is unsatisfactory, these conclusions shall be reported  
6 29 to the mental health ~~and, mental retardation,~~ developmental  
6 30 disabilities, ~~and brain injury~~ commission which may forward  
6 31 the conclusions to the board of directors of the center and  
6 32 request an appropriate response within thirty days. If no  
6 33 response is received within thirty days, or if the response is  
6 34 unsatisfactory, the commission may call this fact to the  
6 35 attention of the board of supervisors of the county or  
7 1 counties served by the center, and in doing so shall indicate  
7 2 what corrective steps have been recommended to the center's  
7 3 board of directors.

7 4 Sec. 13. Section 231.44, subsection 2, Code Supplement  
7 5 2003, is amended to read as follows:

7 6 2. The responsibilities of the resident advocate committee  
7 7 are in accordance with the rules adopted by the commission  
7 8 pursuant to chapter 17A. When adopting the rules, the  
7 9 commission shall consider the needs of residents of elder  
7 10 group homes as defined in section 231B.1 and each category of  
7 11 licensed health care facility as defined in section 135C.1,  
7 12 subsection 6, and the services each facility may render. The  
7 13 commission shall coordinate the development of rules with the  
7 14 mental health ~~and, mental retardation,~~ developmental  
7 15 disabilities, ~~and brain injury~~ commission created in section  
7 16 225C.5 to the extent the rules would apply to a facility  
7 17 primarily serving persons with mental illness, mental  
7 18 retardation, ~~or a~~ other developmental disability, ~~or brain~~  
7 19 ~~injury~~. The commission shall coordinate the development of  
7 20 appropriate rules with other state agencies.

7 21 Sec. 14. Section 249A.4, subsection 15, Code Supplement  
7 22 2003, is amended to read as follows:

7 23 15. Establish appropriate reimbursement rates for  
7 24 community mental health centers that are accredited by the  
7 25 mental health ~~and, mental retardation,~~ developmental  
7 26 disabilities, ~~and brain injury~~ commission. ~~The reimbursement~~  
7 27 ~~rates shall be phased in over the three-year period beginning~~

~~7 28 July 1, 1998, and ending June 30, 2001.~~

7 29 Sec. 15. Section 249A.12, subsection 5, paragraph a,  
7 30 unnumbered paragraph 1, Code Supplement 2003, is amended to  
7 31 read as follows:

7 32 The mental health ~~and, mental retardation,~~ developmental  
7 33 disabilities, ~~and brain injury~~ commission shall recommend to  
7 34 the department the actions necessary to assist in the  
7 35 transition of individuals being served in an intermediate care  
8 1 facility for persons with mental retardation, who are  
8 2 appropriate for the transition, to services funded under a  
8 3 medical assistance waiver for home and community-based  
8 4 services for persons with mental retardation in a manner which  
8 5 maximizes the use of existing public and private facilities.  
8 6 The actions may include but are not limited to submitting any  
8 7 of the following or a combination of any of the following as a  
8 8 request for a revision of the medical assistance waiver for  
8 9 home and community-based services for persons with mental  
8 10 retardation in effect as of June 30, 1996:

8 11 Sec. 16. Section 249A.12, subsection 5, paragraph b, Code  
8 12 Supplement 2003, is amended to read as follows:

8 13 b. In implementing the provisions of this subsection, the  
8 14 mental health ~~and, mental retardation,~~ developmental  
8 15 disabilities, ~~and brain injury~~ commission shall consult with  
8 16 other states. The waiver revision request or other action  
8 17 necessary to assist in the transition of service provision  
8 18 from intermediate care facilities for persons with mental  
8 19 retardation to alternative programs shall be implemented by  
8 20 the department in a manner that can appropriately meet the  
8 21 needs of individuals at an overall lower cost to counties, the  
8 22 federal government, and the state. In addition, the  
8 23 department shall take into consideration significant federal  
8 24 changes to the medical assistance program in formulating the  
8 25 department's actions under this subsection. The department  
8 26 shall consult with the mental health ~~and, mental retardation,~~  
8 27 developmental disabilities, ~~and brain injury~~ commission in  
8 28 adopting rules for oversight of facilities converted pursuant  
8 29 to this subsection. A transition approach described in  
8 30 paragraph "a" may be modified as necessary to obtain federal  
8 31 waiver approval.

8 32 Sec. 17. Section 249A.31, subsection 1, Code 2003, is  
8 33 amended to read as follows:

8 34 1. Providers of individual case management services for  
8 35 persons with mental retardation, a developmental disability,  
9 1 or chronic mental illness in accordance with standards adopted  
9 2 by the mental health ~~and, mental retardation,~~ developmental  
9 3 disabilities, ~~and brain injury~~ commission pursuant to section  
9 4 225C.6.

9 5 Sec. 18. Section 331.424A, subsection 1, Code Supplement  
9 6 2003, is amended to read as follows:

9 7 1. For the purposes of this chapter, unless the context  
9 8 otherwise requires, "services fund" means the county mental  
9 9 health, mental retardation, and developmental disabilities  
9 10 services fund created in subsection 2. The county finance  
9 11 committee created in section 333A.2 shall consult with the  
9 12 ~~mental health and developmental disabilities state~~ commission  
9 13 in adopting rules and prescribing forms for administering the  
9 14 services fund.

9 15 Sec. 19. Section 331.438, subsection 1, paragraph c, Code  
9 16 2003, is amended to read as follows:

9 17 c. "Qualified mental health, mental retardation, and  
9 18 developmental disabilities services" means the services  
9 19 specified on forms issued by the county finance committee  
9 20 following consultation with the ~~mental health and~~  
9 21 ~~developmental disabilities state~~ commission.

9 22 Sec. 20. Section 331.438, subsection 1, Code 2003, is  
9 23 amended by adding the following new paragraph:

9 24 NEW PARAGRAPH. cc. "State commission" means the mental  
9 25 health, mental retardation, developmental disabilities, and  
9 26 brain injury commission created in section 225C.5.

9 27 Sec. 21. Section 331.438, subsection 4, paragraph a, Code  
9 28 2003, is amended to read as follows:

9 29 a. The ~~mental health and developmental disabilities state~~  
9 30 commission shall make recommendations and take actions for  
9 31 joint state and county planning, implementing, and funding of  
9 32 mental health, mental retardation, ~~and or other~~ developmental  
9 33 disabilities, ~~and brain injury~~ services, including but not  
9 34 limited to developing and implementing fiscal and  
9 35 accountability controls, establishing management plans, and  
10 1 ensuring that eligible persons have access to appropriate and  
10 2 cost-effective services.

10 3 Sec. 22. Section 331.438, subsection 4, paragraph b,

10 4 unnumbered paragraph 1, Code 2003, is amended to read as  
10 5 follows:

10 6 ~~The mental health and developmental disabilities state~~  
10 7 ~~commission shall do all of the following:~~

10 8 Sec. 23. Section 331.438, subsection 4, paragraph b,  
10 9 subparagraphs (6) and (9), Code 2003, are amended to read as  
10 10 follows:

10 11 (6) Consider provisions and adopt rules for counties to  
10 12 implement a ~~single central~~ point of ~~accountability~~  
10 13 ~~coordination~~ to plan, budget, and monitor county expenditures  
10 14 for the service system. The provisions shall provide options  
10 15 for counties to implement the ~~single central point of~~  
10 16 ~~coordination~~ in collaboration with other counties.

10 17 (9) Adopt rules for the county ~~single entry central point~~  
10 18 ~~of coordination~~ and clinical assessment processes required  
10 19 under section 331.440 and other rules necessary for the  
10 20 implementation of county management plans and expenditure  
10 21 reports required for state payment pursuant to section  
10 22 331.439.

10 23 Sec. 24. Section 331.439, subsection 1, unnumbered  
10 24 paragraph 1, Code 2003, is amended to read as follows:

10 25 The state payment to eligible counties under this section  
10 26 shall be made as provided in sections 331.438 and 426B.2. A  
10 27 county is eligible for the state payment, as defined in  
10 28 section 331.438, for ~~the a~~ fiscal year ~~beginning July 1, 1996,~~  
10 29 ~~and for subsequent fiscal years~~ if the director of human  
10 30 services, in consultation with the ~~mental health and~~  
10 31 ~~developmental disabilities state~~ commission, determines for a  
10 32 specific fiscal year that all of the following conditions are  
10 33 met:

10 34 Sec. 25. Section 331.439, subsection 1, paragraph b,  
10 35 unnumbered paragraph 1, Code 2003, is amended to read as  
11 1 follows:

11 2 The county developed and implemented a county management  
11 3 plan for the county's mental health, mental retardation, and  
11 4 developmental disabilities services in accordance with the  
11 5 provisions of this paragraph "b". The plan shall comply with  
11 6 the administrative rules adopted for this purpose by the  
11 7 ~~mental health and developmental disabilities state~~ commission  
11 8 and is subject to the approval of the director of human  
11 9 services in consultation with the commission. The plan shall  
11 10 include a description of the county's service management  
11 11 provision for mental health, mental retardation, and  
11 12 developmental disabilities services. For mental retardation  
11 13 and developmental disabilities service management, the plan  
11 14 shall describe the county's development and implementation of  
11 15 a managed system of cost-effective individualized services and  
11 16 shall comply with the provisions of paragraph "d". The goal  
11 17 of this part of the plan shall be to assist the individuals  
11 18 served to be as independent, productive, and integrated into  
11 19 the community as possible. The service management provisions  
11 20 for mental health shall comply with the provisions of  
11 21 paragraph "c". A county is subject to all of the following  
11 22 provisions in regard to the county's management plan and  
11 23 planning process:

11 24 Sec. 26. Section 331.439, subsection 1, paragraph b,  
11 25 subparagraph (1), Code 2003, is amended to read as follows:

11 26 (1) The county shall have in effect an approved policies  
11 27 and procedures manual for the county's services fund. The  
11 28 county management plan shall be defined in the manual. The  
11 29 manual submitted by the county as part of the county's  
11 30 management plan for the fiscal year beginning July 1, 2000, as  
11 31 approved by the director of human services, shall remain in  
11 32 effect, subject to amendment. An amendment to the manual  
11 33 shall be submitted to the department of human services at  
11 34 least forty-five days prior to the date of implementation.  
11 35 Prior to implementation of any amendment to the manual, the  
12 1 amendment must be approved by the director of human services  
12 2 in consultation with the ~~mental health and developmental~~  
12 3 ~~disabilities state~~ commission.

12 4 Sec. 27. Section 331.439, subsection 1, paragraph c,  
12 5 subparagraph (2), unnumbered paragraph 1, Code 2003, is  
12 6 amended to read as follows:

12 7 A managed care system for mental health proposed by a  
12 8 county shall include but is not limited to all of the  
12 9 following elements which shall be specified in administrative  
12 10 rules adopted by the ~~mental health and developmental~~  
12 11 ~~disabilities state~~ commission:

12 12 Sec. 28. Section 331.439, subsection 1, paragraph d, Code  
12 13 2003, is amended to read as follows:

12 14 d. For mental retardation and developmental disabilities

12 15 services management, the county must either develop and  
12 16 implement a managed system of care which addresses a full  
12 17 array of appropriate services and cost-effective delivery of  
12 18 services or contract with a state-approved managed care  
12 19 contractor or contractors. Any system or contract implemented  
12 20 under this paragraph shall incorporate a ~~single entry central~~  
12 21 point of coordination and clinical assessment process  
12 22 developed in accordance with the provisions of section  
12 23 331.440. The elements of the county managed system of care  
12 24 shall be specified in rules developed by the department of  
12 25 human services in consultation with and adopted by the ~~mental~~  
12 26 ~~health and developmental disabilities state~~ commission.

12 27 Sec. 29. Section 331.439, subsection 3, paragraph b, Code  
12 28 2003, is amended to read as follows:

12 29 b. Based upon information contained in county management  
12 30 plans and budgets and proposals made by representatives of  
12 31 counties, the ~~mental health and developmental disabilities~~  
12 32 state commission shall recommend an allowed growth factor  
12 33 adjustment to the governor by November 15 for the fiscal year  
12 34 which commences two years from the beginning date of the  
12 35 fiscal year in progress at the time the recommendation is  
13 1 made. The allowed growth factor adjustment shall address  
13 2 costs associated with new consumers of service, service cost  
13 3 inflation, and investments for economy and efficiency. In  
13 4 developing the service cost inflation recommendation, the  
13 5 state commission shall consider the cost trends indicated by  
13 6 the gross expenditure amount reported in the expenditure  
13 7 reports submitted by counties pursuant to subsection 1,  
13 8 paragraph "a". The governor shall consider the state  
13 9 commission's recommendation in developing the governor's  
13 10 recommendation for an allowed growth factor adjustment for  
13 11 such fiscal year. The governor's recommendation shall be  
13 12 submitted at the time the governor's proposed budget for the  
13 13 succeeding fiscal year is submitted in accordance with chapter  
13 14 8.

13 15 Sec. 30. Section 331.440, Code 2003, is amended to read as  
13 16 follows:

13 17 331.440 MENTAL HEALTH, MENTAL RETARDATION, AND  
13 18 DEVELOPMENTAL DISABILITIES SERVICES == ~~SINGLE ENTRY CENTRAL~~  
13 19 POINT OF COORDINATION PROCESS.

13 20 1. a. For the purposes of this section, unless the  
13 21 context otherwise requires, "~~single entry~~ central point of  
13 22 coordination process" means a ~~single entry central point of~~  
13 23 coordination process established by a county or consortium of  
13 24 counties for the delivery of mental health, mental  
13 25 retardation, and developmental disabilities services which are  
13 26 paid for in whole or in part by county funds. The ~~single~~  
13 27 ~~entry central point of coordination~~ process may include but is  
13 28 not limited to reviewing a person's eligibility for services,  
13 29 determining the appropriateness of the type, level, and  
13 30 duration of services, and performing periodic review of the  
13 31 person's continuing eligibility and need for services. Any  
13 32 recommendations developed concerning a person's plan of  
13 33 services shall be consistent with the person's unique  
13 34 strengths, circumstances, priorities, concerns, abilities, and  
13 35 capabilities. For those services funded under the medical  
14 1 assistance program, the ~~single entry central point of~~  
14 2 coordination process shall be used to assure that the person  
14 3 is aware of the appropriate service options available to the  
14 4 person.

14 5 b. The ~~single entry central point of coordination~~ process  
14 6 may include a clinical assessment process to identify a  
14 7 person's service needs and to make recommendations regarding  
14 8 the person's plan for services. The clinical assessment  
14 9 process shall utilize qualified mental health professionals  
14 10 and qualified mental retardation professionals.

14 11 c. The ~~single entry central point of coordination~~ and  
14 12 clinical assessment process shall include provision for the  
14 13 county's participation in a management information system  
14 14 developed in accordance with rules adopted pursuant to  
14 15 subsection 3.

14 16 2. The department of human services shall seek federal  
14 17 approval as necessary for the ~~single entry central point of~~  
14 18 coordination and clinical assessment processes to be eligible  
14 19 for federal financial participation under the medical  
14 20 assistance program. A county may implement the ~~single entry~~  
14 21 central point of coordination process as part of a consortium  
14 22 of counties and may implement the process beginning with the  
14 23 fiscal year ending June 30, 1995.

14 24 3. An application for services may be made through the  
14 25 ~~single entry central point of coordination~~ process of a

14 26 person's county of residence. However, if a person who is  
14 27 subject to a ~~single entry central point of coordination~~  
14 28 process has legal settlement in another county or the costs of  
14 29 services or other support provided to the person are the  
14 30 financial responsibility of the state, an authorization  
14 31 through the ~~single entry central point of coordination~~ process  
14 32 shall be coordinated with the person's county of legal  
14 33 settlement or with the state, as applicable. The county of  
14 34 residence and county of legal settlement of a person subject  
14 35 to a ~~single entry central point of coordination~~ process may  
15 1 mutually agree that the ~~single entry central point of~~  
15 2 ~~coordination~~ process functions shall be performed by the  
15 3 ~~single entry central point of coordination~~ process of the  
15 4 person's county of legal settlement.

15 5 4. The ~~mental health and developmental disabilities state~~  
15 6 commission shall consider the recommendations of county  
15 7 representatives in adopting rules outlining standards and  
15 8 requirements for implementation of the ~~single entry central~~  
15 9 ~~point of coordination~~ and clinical assessment processes on the  
15 10 date required by subsection 2. The rules shall permit  
15 11 counties options in implementing the process based upon a  
15 12 county's consumer population and available service delivery  
15 13 system.

15 14 Sec. 31. Section 426B.4, Code 2003, is amended to read as  
15 15 follows:

15 16 426B.4 RULES.

15 17 The mental health ~~and, mental retardation,~~ developmental  
15 18 disabilities, ~~and brain injury~~ commission shall consult with  
15 19 county representatives and the director of human services in  
15 20 prescribing forms and adopting rules pursuant to chapter 17A  
15 21 to administer this chapter.

15 22 Sec. 32. Section 426B.5, subsection 2, paragraph c, Code  
15 23 Supplement 2003, is amended to read as follows:

15 24 c. A risk pool board is created. The board shall consist  
15 25 of two county supervisors, two county auditors, a member of  
15 26 the mental health ~~and, mental retardation,~~ developmental  
15 27 disabilities, ~~and brain injury~~ commission who is not a member  
15 28 of a county board of supervisors, a member of the county  
15 29 finance committee created in chapter 333A who is not an  
15 30 elected official, a representative of a provider of mental  
15 31 health or developmental disabilities services selected from  
15 32 nominees submitted by the Iowa association of community  
15 33 providers, and two ~~single entry central point of coordination~~  
15 34 process administrators, all appointed by the governor, and one  
15 35 member appointed by the director of human services. All  
16 1 members appointed by the governor shall be subject to  
16 2 confirmation by the senate. Members shall serve for three=  
16 3 year terms. A vacancy shall be filled in the same manner as  
16 4 the original appointment. Expenses and other costs of the  
16 5 risk pool board members representing counties shall be paid by  
16 6 the county of origin. Expenses and other costs of risk pool  
16 7 board members who do not represent counties shall be paid from  
16 8 a source determined by the governor. Staff assistance to the  
16 9 board shall be provided by the department of human services  
16 10 and counties. Actuarial expenses and other direct  
16 11 administrative costs shall be charged to the pool.

16 12 Sec. 33. SINGLE ENTRY POINT PROCESS AND COMMISSION  
16 13 TERMINOLOGY CHANGES == CODE EDITOR'S DIRECTIVE.

16 14 1. Sections 218.99, 222.2, 222.13, 222.13A, 222.28,  
16 15 222.59, 222.60, 222.61, 222.62, 222.64, 222.73, 225.11,  
16 16 225.15, 225.17, 225C.2, 225C.14, 225C.16, 227.10, 229.1,  
16 17 229.1B, 229.11, 229.13, 229.14, 229.14A, 229.42, 230.1,  
16 18 230A.13, 249A.26, 331.439, and 331.440A, Code 2003, and  
16 19 sections 225C.5, 232.2, and 235.7, Code Supplement 2003, are  
16 20 amended by striking the term "single entry point process" and  
16 21 inserting in lieu thereof the term "central point of  
16 22 coordination process".

16 23 2. In addition to the name change for the single entry  
16 24 point process, this division of this Act changes the name of  
16 25 the mental health and developmental disabilities commission to  
16 26 the mental health, mental retardation, developmental  
16 27 disabilities, and brain injury commission. The Code editor  
16 28 shall correct any references to the term "single entry point  
16 29 process" or the term "mental health and developmental  
16 30 disabilities commission" anywhere else in the Iowa Code, in  
16 31 any bills awaiting codification, in this Act, and in any bills  
16 32 enacted by the Eightieth General Assembly, 2004 Regular  
16 33 Session or any extraordinary session.

16 34 DIVISION II

16 35 LEGAL SETTLEMENT DISPUTE RESOLUTION

17 1 Sec. 34. NEW SECTION. 225C.6A MENTAL HEALTH,

17 2 DEVELOPMENTAL DISABILITY, AND BRAIN INJURY SERVICE SYSTEM  
17 3 REDESIGN IMPLEMENTATION.

17 4 1. PURPOSE. It is the intent of the general assembly to  
17 5 implement a redesign of the mental health, developmental  
17 6 disability, and brain injury service system over a period of  
17 7 years in order to transition to a coordinated system for  
17 8 Iowans with mental illness, mental retardation or other  
17 9 developmental disabilities, or brain injury. Because of the  
17 10 significance of the redesign to the persons who may be  
17 11 affected by it and the degree of uncertainty regarding the  
17 12 extent of funding changes necessary for implementation, the  
17 13 department and the commission shall not implement a redesign  
17 14 provision through rulemaking or other means unless specific  
17 15 statutory authority provides for the provision's  
17 16 implementation.

17 17 2. INITIAL ACTIVITIES. For the fiscal years beginning  
17 18 July 1, 2004, and July 1, 2005, the commission shall do the  
17 19 following:

17 20 a. Identify sources of revenue to support statewide  
17 21 delivery of core disability services to eligible disability  
17 22 populations.

17 23 b. Further develop adult disability services system  
17 24 redesign proposals and propose a redesign of the children's  
17 25 disability service system. The redesign of the children's  
17 26 system shall address issues associated with an individual's  
17 27 transition between the two systems.

17 28 c. Plan, collect, and analyze data as necessary to issue  
17 29 cost estimates for serving additional populations and  
17 30 providing core disability services statewide.

17 31 d. With consumer input, identify and propose standardized  
17 32 functional assessment tools and processes for use in the  
17 33 eligibility determination process when eligibility for a  
17 34 particular disability population group is implemented. The  
17 35 tools and processes shall be integrated with those utilized  
18 1 for the medical assistance program under chapter 249A. For  
18 2 the initial diagnostic criteria, the commission shall consider  
18 3 identifying a qualifying functional assessment score and any  
18 4 of the following diagnoses: mental illness, chronic mental  
18 5 illness, mental retardation, developmental disability, or  
18 6 brain injury.

18 7 e. The commission shall adopt a multiyear plan for  
18 8 developing and providing the data, cost projections, revenue  
18 9 requirements, and other information needed to support decision  
18 10 making concerning redesign provisions. The information shall  
18 11 be provided as part of the commission's regular reports to the  
18 12 governor and general assembly or more often as determined to  
18 13 be appropriate by the commission.

18 14 f. Propose case rates for disability services.

18 15 g. Work with county representatives and other qualified  
18 16 persons to develop an implementation plan for replacing the  
18 17 county of legal settlement approach to determining service  
18 18 system funding responsibilities with an approach based upon  
18 19 residency. The plan shall address a statewide standard for  
18 20 proof of residency, outline a plan for establishing a data  
18 21 system for identifying residency of eligible individuals,  
18 22 address residency issues for individuals who began residing in  
18 23 a county due to a court order or criminal sentence or to  
18 24 obtain services in that county, recommend an approach for  
18 25 contesting a residency determination, and address other  
18 26 implementation issues.

18 27 Sec. 35. OTHER REDESIGN ACTIVITIES.

18 28 1. The department of human services and the mental health,  
18 29 developmental disabilities, and brain injury commission shall  
18 30 report on the actions taken and proposals made to implement  
18 31 the provisions of section 225C.6A, as enacted by this Act, in  
18 32 the commission's annual report to the governor and general  
18 33 assembly submitted pursuant to section 225C.6 for  
18 34 consideration by the general assemblies meeting in 2005, 2006,  
18 35 and 2007. In addition, the department and commission shall  
19 1 submit a progress report to the governor and general assembly  
19 2 in July 2004, July 2005, and July 2006, on the implementation  
19 3 of the provisions. Any proposal shall include data needed to  
19 4 address the proposal, including the potential impact on  
19 5 counties bordering other states.

19 6 2. Subject to funding availability, the department and  
19 7 commission shall address all of the following state-level  
19 8 adult disability service system redesign activities during the  
19 9 fiscal year beginning July 1, 2004, and ending June 30, 2005:

19 10 a. Propose a new disability services information  
19 11 technology system.

19 12 b. Improve state administration of disability services by



19 13 consolidating disability services into a new departmental  
19 14 division or other appropriate strategy.  
19 15 c. Improve the interfaces between departmental  
19 16 administrative units and other state agencies directly or  
19 17 indirectly involved with persons with mental illness,  
19 18 developmental disabilities, or brain injury.  
19 19 d. Solicit and incorporate input regarding the service  
19 20 system and service system funding from persons receiving  
19 21 services, service providers, and county central point of  
19 22 coordination process administrators.  
19 23 e. Provide information to the public regarding the service  
19 24 system.

### 19 25 DIVISION III

#### 19 26 LEGAL SETTLEMENT DISPUTE RESOLUTION

19 27 Sec. 36. NEW SECTION. 225C.8 LEGAL SETTLEMENT DISPUTE  
19 28 RESOLUTION.

19 29 1. a. The dispute resolution process implemented in  
19 30 accordance with this section applies to legal settlement  
19 31 disputes and is not applicable to disputes involving persons  
19 32 committed to a state facility pursuant to chapter 812 or rule  
19 33 of criminal procedure 2.22, Iowa court rules, or to disputes  
19 34 of service authorization decisions made through the county  
19 35 single entry point process.

20 1 b. If a county receives a billing for services provided to  
20 2 a person under chapter 222, 230, or 249A, or objects to a  
20 3 legal settlement determination certified by the department or  
20 4 another county and asserts either that the person has legal  
20 5 settlement in another county or that the person has no legal  
20 6 settlement or the legal settlement is unknown so that the  
20 7 person is deemed to be a state case, the person's legal  
20 8 settlement status shall be determined as provided in this  
20 9 section. The county shall notify the department of the  
20 10 county's assertion within one hundred twenty days of receiving  
20 11 the billing. If the county asserts that the person has legal  
20 12 settlement in another county, that county shall be notified at  
20 13 the same time as the department. If the department disputes a  
20 14 legal settlement determination certification made by a county,  
20 15 the department shall notify the affected counties of the  
20 16 department's assertion.

20 17 2. The department or the county that received the  
20 18 notification, as applicable, shall respond to the party that  
20 19 provided the notification within forty-five days of receiving  
20 20 the notification. If the parties cannot agree to a settlement  
20 21 as to the person's legal settlement status within ninety days  
20 22 of the date of notification, on motion of any of the parties,  
20 23 the matter shall be referred to the department of inspections  
20 24 and appeals for a contested case hearing under chapter 17A  
20 25 before an administrative law judge assigned in accordance with  
20 26 section 10A.801 to determine the person's legal settlement  
20 27 status.

20 28 3. a. The administrative law judge's determination of the  
20 29 person's legal settlement status is a final agency action,  
20 30 notwithstanding contrary provisions of section 17A.15. The  
20 31 party that does not prevail in the determination or subsequent  
20 32 judicial review is liable for costs associated with the  
20 33 proceeding, including reimbursement of the department of  
20 34 inspections and appeals' actual costs associated with the  
20 35 administrative proceeding. Judicial review of the  
21 1 determination may be sought in accordance with section 17A.19.

21 2 b. If following the determination of a person's legal  
21 3 settlement status in accordance with this section, additional  
21 4 evidence becomes available that merits a change in that  
21 5 determination, the parties affected may change the  
21 6 determination by mutual agreement. Otherwise, a party may  
21 7 move that the matter be reconsidered.

21 8 4. Unless a petition is filed for judicial review, the  
21 9 administrative law judge's determination of the person's legal  
21 10 settlement status shall result in one of the following:

21 11 a. If a county is determined to be the person's county of  
21 12 legal settlement, the county shall pay the amounts due and  
21 13 shall reimburse any other amounts paid for services provided  
21 14 under chapter 222, 230, or 249A by the county or the  
21 15 department on the person's behalf prior to issuance of the  
21 16 decision. The payment or reimbursement shall be remitted  
21 17 within forty-five days of the date the decision was issued.  
21 18 After the forty-five-day period, a penalty may be applied as  
21 19 authorized under section 222.68, 222.75, or 230.22.

21 20 b. If it is determined that the person has no legal  
21 21 settlement or the legal settlement is unknown so that the  
21 22 person is deemed to be a state case, the department shall  
21 23 credit the county for any payment made on behalf of the person

21 24 by the county prior to issuance of the decision. The credit  
21 25 shall be applied by the department on a county billing no  
21 26 later than the end of the quarter immediately following the  
21 27 date of the decision's issuance.

21 28 Sec. 37. Section 222.61, unnumbered paragraph 1, Code  
21 29 2003, is amended to read as follows:

21 30 When a county receives an application on behalf of any  
21 31 person for admission to a resource center or a special unit or  
21 32 when ~~any~~ a court issues an order committing any person to a  
21 33 resource center or a special unit, the board of supervisors  
21 34 shall utilize the single entry point process to determine ~~or~~  
~~21 35 the court shall determine and enter as a matter of record~~  
~~22 1 whether certify that~~ the legal settlement of the person is in  
22 2 one of the following:

22 3 Sec. 38. Section 222.62, Code 2003, is amended to read as  
22 4 follows:

22 5 222.62 SETTLEMENT IN ANOTHER COUNTY.

~~22 6 Whenever~~ When the board of supervisors ~~utilizes a~~  
~~22 7 determines through the~~ single entry point process to ~~determine~~  
~~22 8 or the court determines~~ that the legal settlement of the  
22 9 person is other than in the county in which the application is  
22 10 received ~~or the court is located, the board or court shall, as~~  
~~22 11 soon as determination is made, certify such finding the~~  
~~22 12 determination shall be certified to the superintendent of the~~  
22 13 resource center or the special unit where the person is a  
22 14 patient. The certification shall be accompanied by a copy of  
~~22 15 the evidence supporting the determination.~~ The superintendent  
22 16 shall charge the expenses already incurred and unadjusted, and  
22 17 all future expenses of the patient, to the county ~~so~~ certified  
22 18 ~~until the patient's to be the county of legal settlement shall~~  
~~22 19 be otherwise determined as provided by this chapter.~~

22 20 Sec. 39. Section 222.63, Code 2003, is amended to read as  
22 21 follows:

22 22 222.63 FINDING OF SETTLEMENT == OBJECTION.

~~22 23 Said finding of~~ A board of supervisors' certification  
~~22 24 utilizing the single entry point process that a person's legal~~  
22 25 settlement ~~is in another county shall also be certified sent~~  
22 26 by the board of supervisors ~~or the court~~ to the ~~county~~ auditor  
22 27 of the county of legal settlement. The certification shall be  
~~22 28 accompanied by a copy of the evidence supporting the~~  
~~22 29 determination. Such~~ The auditor of the county of legal  
~~22 30 settlement shall lay such notification before submit the~~  
~~22 31 certification to the board of supervisors of the auditor's~~  
22 32 county ~~whereupon~~ and it shall be conclusively presumed that  
22 33 the patient has a legal settlement in ~~said that~~ county unless  
22 34 ~~the that~~ county ~~shall, within six months, in writing filed~~  
~~22 35 with the board of supervisors or the court giving such notice,~~  
~~23 1 dispute said legal settlement disputes the determination of~~  
~~23 2 legal settlement as provided in section 225C.8.~~

23 3 Sec. 40. Section 222.64, Code 2003, is amended to read as  
23 4 follows:

23 5 222.64 FOREIGN STATE OR COUNTRY OR UNKNOWN LEGAL  
23 6 SETTLEMENT.

23 7 If the legal settlement of the person is ~~found determined~~  
23 8 by the board of supervisors through ~~a the~~ single entry point  
23 9 process ~~or the court~~ to be in a foreign state or country or is  
23 10 ~~found determined~~ to be unknown, the board of supervisors ~~or~~  
~~23 11 the court shall immediately notify certify the determination~~  
~~23 12 to the administrator of the finding and shall furnish the~~  
~~23 13 administrator with a copy of the evidence taken on the~~  
~~23 14 question of legal settlement. The certification shall be~~  
~~23 15 accompanied by a copy of the evidence supporting the~~  
~~23 16 determination.~~ The care of the person shall be as arranged by  
23 17 the board of supervisors or by an order as the court may  
23 18 enter. Application for admission or order of commitment may  
23 19 be made pending investigation by the administrator.

23 20 Sec. 41. Section 222.65, Code 2003, is amended to read as  
23 21 follows:

23 22 222.65 INVESTIGATION.

~~23 23 The~~ If an application is made for placement of a person in  
~~23 24 a state resource center or special unit, the administrator~~  
23 25 shall immediately investigate the legal settlement of the  
23 26 person and proceed as follows:

23 27 1. If the administrator ~~finds that the decision of the~~  
~~23 28 board of supervisors or the court concurs with a certified~~  
~~23 29 determination as to legal settlement of the person is correct~~  
~~23 30 so that the person is deemed a state case,~~ the administrator  
23 31 shall cause the person either to be transferred to a resource  
23 32 center or a special unit ~~and there maintained at the expense~~  
~~23 33 of the state or to be transferred to the place of foreign~~  
23 34 settlement.

23 35 2. If the administrator finds that the decision of the  
24 1 board of supervisors or the court is not correct disputes a  
24 2 certified determination of legal settlement, the administrator  
24 3 shall order the person transferred to a state resource center  
24 4 or a special unit ~~and there maintained at the expense of the~~  
24 5 ~~county of legal settlement in this state until the dispute is~~  
24 6 ~~resolved.~~

24 7 3. If the administrator disputes a certified determination  
24 8 of legal settlement, the administrator shall utilize the  
24 9 procedure provided in section 225C.8 to resolve the dispute.  
24 10 A determination of the person's legal settlement status made  
24 11 pursuant to section 225C.8 is conclusive.

24 12 Sec. 42. Section 222.67, Code 2003, is amended to read as  
24 13 follows:

24 14 222.67 CHARGE ON FINDING OF SETTLEMENT.

24 15 ~~Where~~ If a person has been received into a resource center  
24 16 or a special unit as a patient whose legal settlement is  
24 17 supposedly outside the state or is unknown and the  
24 18 administrator finds determines that the legal settlement of  
24 19 the patient was at the time of admission or commitment in a  
24 20 county of this state, the administrator shall certify the  
24 21 determination and charge all legal costs and expenses  
24 22 pertaining to the admission or commitment and support of the  
24 23 patient to the county of such legal settlement. The  
24 24 certification shall be sent to the county of legal settlement.  
24 25 The certification shall be accompanied by a copy of the  
24 26 evidence supporting the determination. If the person's legal  
24 27 settlement status has been determined in accordance with  
24 28 section 225C.8, the legal costs and expenses shall be charged  
24 29 to the county or as a state case in accordance with that  
24 30 determination. The costs and expenses shall be collected as  
24 31 provided by law in other cases.

24 32 Sec. 43. Section 222.70, Code 2003, is amended by striking  
24 33 the section and inserting in lieu thereof the following:

24 34 222.70 LEGAL SETTLEMENT DISPUTES.

24 35 If a dispute arises between counties or between the  
25 1 department and a county as to the legal settlement of a person  
25 2 admitted or committed to a resource center, a special unit, or  
25 3 a community-based service, the dispute shall be resolved as  
25 4 provided in section 225C.8.

25 5 Sec. 44. Section 230.2, unnumbered paragraph 1, Code 2003,  
25 6 is amended to read as follows:

25 7 ~~The~~ If a person's legal settlement status is disputed,  
25 8 legal settlement shall be determined in accordance with  
25 9 section 225C.8. Otherwise, the district court shall may, when  
25 10 a the person is ordered placed in a hospital for psychiatric  
25 11 examination and appropriate treatment, or as soon thereafter  
25 12 as it the court obtains the proper information, determine and  
25 13 enter of record whether the legal settlement of said the  
25 14 person is one of the following:

25 15 Sec. 45. Section 230.3, Code 2003, is amended to read as  
25 16 follows:

25 17 230.3 CERTIFICATION OF SETTLEMENT.

25 18 If ~~such a person's~~ legal settlement is ~~found~~ determined  
25 19 through the county's single entry point process to be in  
25 20 another county of this state, the court shall, as soon as said  
25 21 determination is made, the county making the determination  
25 22 shall certify such finding the determination to the  
25 23 superintendent of the hospital to which said patient the  
25 24 person is admitted or committed, and thereupon said. The  
25 25 certification shall be accompanied by a copy of the evidence  
25 26 supporting the determination. Upon receiving the  
25 27 certification, the superintendent shall charge the expenses  
25 28 already incurred and unadjusted, and all future expenses of  
25 29 such patient, the person to the county so certified until said  
25 30 determined to be the county of legal settlement shall be  
25 31 otherwise determined as hereinafter provided.

25 32 Sec. 46. Section 230.4, Code 2003, is amended to read as  
25 33 follows:

25 34 230.4 CERTIFICATION TO DEBTOR COUNTY.

25 35 ~~Said finding~~ A determination of a person's legal settlement  
26 1 made in accordance with section 230.2 or 230.3 shall also be  
26 2 certified sent by the court or the county to the county  
26 3 auditor of the county of such legal settlement. The  
26 4 certification shall be accompanied by a copy of the evidence  
26 5 supporting the determination. Such The auditor shall lay such  
26 6 notification before provide the certification to the board of  
26 7 supervisors of the auditor's county, and it shall be  
26 8 conclusively presumed that such the person has a legal  
26 9 settlement in said the notified county unless said that county  
26 10 shall within sixty days give notice in writing to the court

~~26 11 that the county disputes the finding of legal settlement as~~  
~~26 12 provided in section 225C.8.~~

26 13 Sec. 47. Section 230.5, Code 2003, is amended to read as  
26 14 follows:

26 15 230.5 NONRESIDENTS.

26 16 If ~~such a person's~~ legal settlement is ~~found by the court~~  
26 17 ~~determined in accordance with section 230.2 or 230.3~~ to be in  
26 18 ~~some~~ a foreign state or country, or ~~is unknown~~, the court ~~or~~  
26 19 ~~the county~~ shall immediately ~~notify the~~ certify the  
26 20 ~~determination to the administrator of the finding and furnish~~  
26 21 ~~the administrator with a copy of the evidence taken on the~~  
26 22 ~~question of legal settlement, and shall in its. The~~  
26 23 certification shall be accompanied by a copy of the evidence  
26 24 supporting the determination. A court order issued pursuant  
26 25 to section 229.13 shall direct that the patient be  
26 26 hospitalized at the appropriate state hospital for persons  
26 27 with mental illness.

26 28 Sec. 48. Section 230.6, Code 2003, is amended to read as  
26 29 follows:

26 30 230.6 ~~DETERMINATION INVESTIGATION BY ADMINISTRATOR.~~

26 31 The administrator shall immediately investigate the legal  
26 32 settlement of ~~said~~ a patient and proceed as follows:

26 33 1. If the administrator ~~finds that the decision of the~~  
26 34 ~~court as to concurs with a certified determination of legal~~  
26 35 ~~settlement is correct concerning the patient,~~ the  
27 1 administrator shall cause ~~said~~ the patient either to be  
27 2 transferred to a state hospital for persons with mental  
27 3 illness at the expense of the state, or to be transferred,  
27 4 with approval of the court as required by chapter 229 to the  
27 5 place of foreign settlement.

27 6 2. If the administrator ~~finds that the decision of the~~  
27 7 ~~court is not correct disputes a certified legal settlement~~  
27 8 ~~determination,~~ the administrator shall order ~~said~~ the patient  
27 9 to be maintained at a state hospital for persons with mental  
27 10 illness at the expense of the state, ~~and shall at once inform~~  
27 11 ~~the court of such finding and request that the court's order~~  
27 12 ~~be modified accordingly until the dispute is resolved.~~

27 13 3. If the administrator disputes a legal settlement  
27 14 determination, the administrator shall utilize the procedure  
27 15 provided in section 225C.8 to resolve the dispute. A  
27 16 determination of the person's legal settlement status made  
27 17 pursuant to section 225C.8 is conclusive.

27 18 Sec. 49. Section 230.9, Code 2003, is amended to read as  
27 19 follows:

27 20 230.9 SUBSEQUENT DISCOVERY OF RESIDENCE.

27 21 If, after a ~~patient~~ person has been received ~~into~~ by a  
27 22 state hospital for persons with mental illness as a state case  
27 23 patient whose legal settlement is supposed to be outside this  
27 24 state or unknown, the administrator ~~finds~~ determines that the  
27 25 legal settlement of ~~said patient~~ the person was, at the time  
27 26 of admission or commitment, in a county of this state, ~~said~~  
27 27 the administrator shall certify the determination and charge  
27 28 all legal costs and expenses pertaining to the admission or  
27 29 commitment and support of ~~said patient~~ the person to the  
27 30 county of ~~such~~ legal settlement, ~~and the same. The~~  
27 31 certification shall be sent to the county of legal settlement.  
27 32 The certification shall be accompanied by a copy of the  
27 33 evidence supporting the determination. The costs and expenses  
27 34 shall be collected as provided by law in other cases. If the  
27 35 person's legal settlement status has been determined in  
28 1 accordance with section 225C.8, the legal costs and expenses  
28 2 shall be charged to the county or as a state case in  
28 3 accordance with that determination.

28 4 Sec. 50. Section 230.12, Code 2003, is amended by striking  
28 5 the section and inserting in lieu thereof the following:

28 6 230.12 LEGAL SETTLEMENT DISPUTES.

28 7 If a dispute arises between different counties or between  
28 8 the administrator and a county as to the legal settlement of a  
28 9 person admitted or committed to a state hospital for persons  
28 10 with mental illness, the dispute shall be resolved as provided  
28 11 in section 225C.8.

28 12 Sec. 51. Section 232.141, subsection 8, Code 2003, is  
28 13 amended to read as follows:

28 14 8. This subsection applies only to placements in a  
28 15 juvenile shelter care home which is publicly owned, operated  
28 16 as a county or multicounty shelter care home, organized under  
28 17 a chapter 28E agreement, or operated by a private juvenile  
28 18 shelter care home. If the actual and allowable costs of a  
28 19 child's shelter care placement exceed the amount the  
28 20 department is authorized to pay in accordance with law and  
28 21 administrative rule, the unpaid costs may be recovered from

28 22 the child's county of legal settlement. However, the maximum  
28 23 amount of the unpaid costs which may be recovered under this  
28 24 subsection is limited to the difference between the amount the  
28 25 department is authorized to pay and the statewide average of  
28 26 the actual and allowable rates in effect in May of the  
28 27 preceding fiscal year for reimbursement of juvenile shelter  
28 28 care homes. In no case shall the home be reimbursed for more  
28 29 than the home's actual and allowable costs. The unpaid costs  
28 30 are payable pursuant to filing of verified claims against the  
28 31 county of legal settlement. A detailed statement of the facts  
28 32 upon which a claim is based shall accompany the claim. Any  
28 33 dispute between counties arising from filings of claims  
28 34 pursuant to this subsection shall be settled in the manner  
28 35 provided to determine legal settlement in section ~~230.12~~  
29 1 225C.8.

29 2 Sec. 52. Section 249A.26, Code 2003, is amended by adding  
29 3 the following new subsection:

29 4 NEW SUBSECTION. 5. If a dispute arises between different  
29 5 counties or between the department and a county as to the  
29 6 legal settlement of a person who receives medical assistance  
29 7 for which the nonfederal share is payable in whole or in part  
29 8 by a county of legal settlement, and cannot be resolved by the  
29 9 parties, the dispute shall be resolved as provided in section  
29 10 225C.8.

29 11 Sec. 53. Section 252.23, Code 2003, is amended to read as  
29 12 follows:

29 13 252.23 TRIAL.

29 14 If the alleged settlement is disputed, then, within thirty  
29 15 days after notice as provided in section 252.22, a copy of the  
29 16 notices sent and received shall be filed in the office of the  
29 17 clerk of the district court of the county against which claim  
29 18 is made, and a cause docketed without other pleadings, and  
29 19 tried as an ordinary action, in which the county granting the  
29 20 assistance shall be plaintiff, and the other defendant, and  
29 21 the burden of proof shall be upon the county granting the  
29 22 assistance. However, a legal settlement dispute initiated  
29 23 under chapter 222, 230, or 249A shall be resolved as provided  
29 24 in section 225C.8.

29 25 Sec. 54. APPLICABILITY.

29 26 1. The timeframes specified in section 225C.8, as enacted  
29 27 by this division of this Act, are applicable to legal  
29 28 settlement disputes involving billings for services provided  
29 29 on or after July 1, 2004.

29 30 2. For legal settlement disputes involving billings for  
29 31 services provided prior to July 1, 2004, unless the county  
29 32 disputed the billing prior to July 1, 2004, the person's legal  
29 33 settlement shall be deemed to be in the county that was billed  
29 34 for services provided to the person. However, if a county  
29 35 disputed the billing for a service provided prior to July 1,  
30 1 2004, and the matter cannot be resolved with the department of  
30 2 human services or with the other county, in lieu of the forty=  
30 3 five-day period specified in section 225C.8, subsection 2, a  
30 4 party may move for the matter to be resolved in the manner  
30 5 provided in section 225C.8, at any time prior to January 1,  
30 6 2005. If a party has not made such a motion, effective  
30 7 January 1, 2005, the matter shall be closed and the person's  
30 8 legal settlement shall be in the county that was billed for  
30 9 services provided to the person.

30 10 Sec. 55. Sections 222.71, 222.72, 230.13, and 230.14, Code  
30 11 2003, are repealed.

30 12  
30 13  
30 14  
30 15 \_\_\_\_\_  
30 16 CHRISTOPHER C. RANTS  
30 17 Speaker of the House

30 18  
30 19 \_\_\_\_\_  
30 20 JEFFREY M. LAMBERTI  
30 21 President of the Senate

30 22  
30 23 I hereby certify that this bill originated in the House and  
30 24 is known as House File 2537, Eightieth General Assembly.

30 25  
30 26  
30 27 \_\_\_\_\_  
30 28 MARGARET THOMSON  
30 29 Chief Clerk of the House

30 30 Approved \_\_\_\_\_, 2004

30 31  
30 32

30 33 \_\_\_\_\_  
30 34 THOMAS J. VILSACK  
30 35 Governor